

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-4 are pending. Claims 1, 3 and 4 are amended. Support for these amendments can be found throughout the application as originally filed including, for example, page 14, lines 11-17; page 8, line 7-page 9, line 7. No new matter is introduced by these amendments. Entry is respectfully requested.

Claim Objections/Rejections**Claim Objection**

Claim 1 was objected to because of informalities. Applicant has amended claim 1, and respectfully submits that the claim rejection be withdrawn as being overcome or otherwise rendered moot.

Rejection Under 35 U.S.C. §103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication No. JP 2002-172090 A2 to Minemoto et al. ("Minemoto") in view of U.S. Patent No. 5,469,233 to Katsuragi ("Katsuragi"). Applicant disagrees with the stated rejection and submits that the claims of the present application are not obvious in view of Minemoto taken alone or in combination with Katsuragi.

Applicant's independent claim 1 recites:

1. A non-contact tonometer comprising:
an alignment light source for projecting a light flux for alignment to a cornea of an eye to be examined;
a sensor for capturing an image the eye to be examined;

image processing means for picking up a plural specific areas directed to light of the light flux for alignment which is reflected by the eye to be examined, within an image signal obtained by the sensor;

calculation means for calculating a reference value on the basis of the processed image signals obtained on the plural specific areas;

a cornea deformation means for pressurizing air in a cylinder, and deforming the cornea of the eye to be examined by blowing the pressurized air onto the cornea of the eye to be examined;

an intraocular pressure measurement light source for projecting a light flux for measurement to the eye to be examined;

intraocular pressure measurement light receiving means for detecting a reflected light quantity of the light flux for measurement from the cornea of the eye to be examined;

intraocular pressure calculation means for calculating an intraocular pressure on the basis of an output signal of the intraocular pressure measurement light receiving means and a pressure value in the cylinder; and

reliability determination means for providing a reliability level of the calculated intraocular pressure on the basis of the output signal of the intraocular pressure measurement light receiving means and the reference value.

Minemoto is directed to a non-contact type ophthalmotonometer which can automatically change the operating distance regardless of operator's skill when the eyelid or eyelash of the subject eye exists on the optical path of a light-intercepting optical system. Minemoto teaches that when the value of an output from the photo diode 65 which is located within an detection optical system and is used for detecting an existence of eyelash and/or eyelid changes lower than a predetermined threshold value, the calculation control circuit 102 moves the apparatus body 121.

Katsuragi is directed to an ophthalmologic instrument which includes an alignment optical system for detecting the alignment of a principal optical system of the instrument with a subject's eye. [Katsuragi, col. 1:6-9]. Katsuragi's ophthalmologic instrument is able to judge whether there exist stains that greatly lessen a quantity of alignment reflection light and able to work in the best condition by preventing wrong operations of the instrument. [Katsuragi, col. 1:58-62]. In that regard, Katsuragi teaches the existence of a comparison circuit 53, which compares the output value of the quantity of the alignment reflection light to a reference value.

However, the cited references fail to show the operation distance and, therefore, also fail to suggest the idea of selecting the plural specific areas for obtaining the correct operation distance. That is, both Minemoto and Katsuragi do not teach, disclose or suggest a non-contact tonometer comprising "*image processing means pick up a plural specific areas directed to light of the light flux for alignment which is reflected by the eye to be examined, within an image signal obtained by the sensor,*" and "*calculation means calculate a reference value on the basis of the processed image signals obtained on the plural specific areas*" as recited in Applicant's amended claim 1. (emphasis added).

Consequently, in contrast to the teachings of both Minemoto and Katsuragi, in the present invention, an effect of appropriately maintaining or obtaining an operation distance can be provided by selecting the plural specific areas.

Therefore, Applicant respectfully submits that claim 1 and claims 3-4 depending therefrom, as properly understood by those skilled in the art are patentably distinct from Minemoto taken alone or in combination with Katsuragi or other cited references. Applicant requests that the stated rejections be withdrawn.

Dependent Claims

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant respectfully requests that the foregoing objections be withdrawn as being overcome or otherwise rendered moot.

CONCLUSION

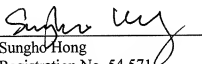
For at least the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5178.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 19, 2007

By:


Sung Ho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile